

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ATMEL CORPORATION,

No. C-06-02138 CW (EDL)

Plaintiff,

ORDER RE: IN CAMERA REVIEW

v.

AUTHENTEC INC,

Defendant.

On January 30, 2008, the Court issued an Order requiring Plaintiff to lodge for in camera review document number AML034349, which contained one redacted paragraph. In response, on January 31, 2008, Plaintiff lodged the redacted document along with a declaration from the author of the document, Jean-Francois Mainguet, explaining that the paragraph describes a discussion he had with Michel Guerin, a patent attorney who was involved in the prosecution of the '114 patent. See In Camera Submission, Ex. B. Defendant argued in support of its motion to compel production of this document that the analysis contained in the redacted paragraph does not reflect material protected by the attorney-client privilege because Mr. Mainguet testified at his deposition that he conducted an independent review of prior art and information provided by Mr. Guerin. See, e.g., Oct. 26, 2007 Deposition of Jean-Francois Mainguet at 296:17-297:8. Mr. Mainguet's declaration coupled with his deposition support the conclusion that the redacted paragraph contains some privileged information, but not all, given his review of patents.

Accordingly, Plaintiff shall produce a copy of AML034349 to Defendants with redaction of

1 the text beginning at “At the time” and ending with “a long time.” The remainder of the paragraph
2 shall not be redacted.

3 **IT IS SO ORDERED.**

4
5 Dated: February 15, 2008

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge